

Exhibit C1

[PROPOSED]
MDL Order
No. 8
November __,
2013

This order establishes a discovery overview procedure in *In re New England Compounding Pharmacy, Inc., Products Liability Litigation*, MDL No. 1:13-md-2419-FDS (“the MDL”). This order modifies or establishes certain deadlines for discovery and certain other events, and is based in part on the **[stipulation and proposed order/proposals submitted by the Plaintiffs’ Steering Committee (“PSC”), the Affiliated Defendants, and the Unaffiliated Defendants.]** This order amends and supersedes MDL Order No. 7 to the extent that MDL Order No. 7 permits discovery.

- 1. Definitions.** For purposes of this order, (a) the term “NECC” shall mean New England Compounding Pharmacy, Inc.; (b) the term “Affiliated Defendants” shall mean Barry Cadden; Lisa Cadden; Doug Conigliaro; Carla Conigliaro; Gregory Conigliaro; Glenn Chin; Alaunus Pharmaceutical, LLC; Ameridose, LLC; GDC Properties

Management, Inc; Medical Sales Management; and Medical Sales Management SW;
(c) the term “Unaffiliated Defendants” shall mean all Defendants other than NECC or the Affiliated Defendants; and (d) the term “National Defendants” shall mean all Unaffiliated Defendants who had service or consulting agreements or arrangements with NECC or the Affiliated Defendants, but who did not purchase compounded product from NECC.

2. **Discovery from NECC and Affiliated Defendants.** This order does not provide for discovery from NECC, which remains subject to the protections of the Bankruptcy Court, or the Affiliated Defendants. The Court recognizes that fairness requires that discovery be mutual and reciprocal, and expects to set a schedule for such discovery at a future date.
3. **Participants in Mediation Program.** The Court’s Order on Mediation Program of August 15, 2013, exempts participating defendants from various discovery obligations. In order to ensure that the litigation process is fair should attempts at mediation prove unsuccessful, the Court may find it appropriate to modify the deadlines in this order, grant additional stays, or take such other action as justice may require.
4. **Discovery—Governing Rules.** Discovery shall be governed by the applicable Federal Rules of Civil Procedure and the Local Rules for the District of Massachusetts.
5. **Expert Discovery and Completion of Fact Discovery.** The Court will set deadlines for expert discovery and completion of fact discovery at a future date.
6. **Stipulated Protocols and Proposals.** As to the deadlines below for the parties to submit “stipulated proposals” or “stipulated protocols,” the Court intends and expects that the parties will work together to address these matters. In the event, the parties are unable to agree a stipulated proposal or protocol, they are to submit alternative proposals

or protocols to the Court for resolution by the deadline provided below, absent agreement of the parties to extend those dates or further order of the Court.

7. Schedule. The Court sets the schedule below for the following events in this matter:

Event	Dates/Deadline
Parties to negotiate authorizations for medical and psychological/psychiatric records that comply with HIPAA and any applicable state law requirements, as well as appropriate authorizations for employees records if the Plaintiff seeks lost wages or earning capacity.	
Parties to negotiate form of Plaintiffs' Fact Sheets	
Parties to submit a stipulated proposal for the form of a Protective Order.	
Individual Plaintiffs to provide completed and fully executed Fact Sheets.	
Unaffiliated Defendants to provide Master Initial Disclosures that will be applicable in all cases in this MDL proceeding to which they are parties.	
PSC to provide Master Initial Disclosures for each Unaffiliated Defendant clinic relating to documents and witnesses common to claims against the individual clinics	
Parties to submit stipulated proposal for management of: (i) written discovery and objections, including use of master interrogatories, document requests, and requests for admission; (ii) privilege logs; (iii) depositions, including the approximate number of depositions to be taken, the location of the depositions, a general description of the deponents, and an approximate number and type of non-party fact depositions that are anticipated. In the cases filed against Defendants who are subject to bellwether orders, discovery will be limited to cases selected for	

Event	Dates/Deadline
bellwether trials. Discovery as to other cases filed against Defendants subject to bellwether orders is stayed until further order of this Court.	
Parties to submit a stipulated protocol for Unaffiliated Defendants to have access to discovery previously obtained from NECC and Affiliated Defendants, additional discovery as permitted by this Court and the bankruptcy court from NECC and the Affiliated Defendants, and discovery from the National Defendants.	
Parties to submit a stipulated protocol for the discovery of electronically stored information (ESI), if ESI will be requested in discovery, that should include agreements reached as to: (i) the retention and production of ESI; (ii) the use of search terms or other means of forensic searches for ESI; (iii) the manner in which ESI subject to privilege and work product protection will be handled; and (iv) whether a court order will be requested (either on stipulation or otherwise) to address ESI.	
Parties to serve Master Written Discovery	
Deadline for Objecting and Responding to Master Written Discovery	
Parties to submit a stipulated Deposition Protocol.	

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: November __, 2013